

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES GRAP,

Defendant.

8:23CR84

**ORDER ON APPEARANCE FOR
SUPERVISED RELEASE VIOLATION**

The defendant appeared before the Court on May 3, 2023 regarding Petition for Offender Under Supervision [2]. Richard McWilliams represented the defendant. Christopher Ferretti represented the government on behalf of Michael Norris. The defendant was advised of the alleged violation(s) of supervised release, right to retain or appointment of counsel, and any right to a preliminary hearing in accordance with Federal Rule of Criminal Procedure 32.1(a)(3).

The defendant is being released pending a final dispositional hearing. Therefore, the defendant does not have a right to a preliminary hearing. Fed. R. Crim. P. 32.1(b)(1)(A). The Court finds the petition sets forth probable cause to believe the defendant violated the terms of supervised release. The defendant shall appear personally for a final dispositional hearing before Chief U.S. District Judge Robert F. Rossiter, Jr. in Courtroom No. 4, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 11:00 a.m. on June 21, 2023.

The government moved for detention based upon risk of danger to the community. The defendant requested a detention hearing which was held. The defendant met his/her burden to establish by clear and convincing evidence that he/she will not flee or pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6). The government's motion for detention is denied, and the defendant shall be released on the current terms and conditions of supervision. 18 U.S.C. § 3143(a)(1).

IT IS SO ORDERED.

Dated this 3th day of May, 2023.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge